

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

June 6, 2008

Christopher D. Imlay, Esq.
Booth, Freret, Imlay & Tepper, P.C.
14356 Cape May Road
Silver Spring, Maryland 20904

Re: WIOS (AM), Tawas City-East Tawas, Michigan
Facility Identification Number: 31477
Carroll Enterprises, Inc.
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 29, 2008, on behalf of Carroll Enterprises, Inc. ("CEI"). CEI requests special temporary authority ("STA") to operate Station WIOS with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.¹ In support of the request, CEI states that, following maintenance and system upgrade work, it filed Application BZ-20050831AEI, for direct measurement of operating power; however, the application was dismissed by the staff on January 1, 2007. CEI states that a new application is being filed and that the requested STA is the same as the one previously granted prior to the filing of its application.

Our review indicates that STA is necessary to provide for continued operation of Station WIOS during the pendency of its new application.² Our review further indicates that the previous STA expired on January 8, 2006; the STA will be appropriately conditioned.

Accordingly, the request for STA IS HEREBY GRANTED. Station WIOS may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. CEI must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310. The authority granted herein does not cover the period between January 8, 2006, and the date of this letter, and is without prejudice as to whatever action the Commission may take with regard to the operation of Station WIOS during the foregoing period.

¹ WIOS is licensed for operation on 1480 kHz with 1 kilowatt daytime and 0.109 kilowatt nighttime, employing a directional antenna (DA-2-U).

² As of the date of this letter, CDBS does not indicate that a new application has yet been filed.

This authority expires on **December 6, 2008**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Carroll Enterprises, Inc.